IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA LYNCHBURG DIVISION

CLERKS OFFICE U.S. DIST. COURT AT DANVILLE, VA FILED

JUL 31 2023

LAURA A. AUSTIN, CLERK BY; s/ H. MCDONALD DEPUTY CLERK

ORDER	
Defendants.)
) United States District Judge
LIBERTY UNIVERSITY, INC., et al.,)) By: Hon. Robert S. Ballou
v.)
Plaintiff,	Civil Action No.: 6:23-cv-11
)
JERRY L. FALWELL, JR.,)

This is an action seeking benefits under the provisions of an employee benefit plan pursuant to the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001–1461 ("ERISA"). To address the issues raised in this action, the court must have before it the information integral to its decisional process, including the administrative record of the denial of benefits and the plaintiff's appeal. See Booth v. Wal-Mart Stores, Inc. Assoc. Health and Welfare Plan, 201 F.3d 335, 342-342 (4th Cir. 2000); Colburn v. Hickory Springs Mfg. Co., No. 5:19cv139, 2020 WL 7129935 (E.D.N.C. Dec. 4, 2020); accordingly, the court **ORDERS** as follows:

- Liberty University and the Executive Committee of Liberty's Board of Trustees as the benefit plan administrator or fiduciary must file the administrative record with the court and serve a copy on plaintiff's counsel within 30 days from the date of this order.
- 2. Both parties have already moved for summary judgment in their respective favor based upon the administrative record. Accordingly, the parties have 30 days after the

administrative record is filed with the court to simultaneously supplement their respective briefs in support of summary judgment, should either party wish to do so. Each party shall have 15 days to file a response to the opposing party's supplemental brief.

Entered: July 31, 2023

Robert S. Ballon

Robert S. Ballou United States District Judge